THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.2541 OF 2006

Dated: 17-02-2006

Between

Kandregula Krishna Veni,

W/o. late Nookaraju,

House hold duties, Pendurti,

Visakhapatnam District and

another.

...PETITIONER

AND

The District Collector,

Visakhapatnam District

and others.

...RESPONDENTS

ORDER:

Petitioners seek a Writ of Mandamus to declare the action of the respondents in laying the road from the petitioners' house in S.No.140/8 of Pendurti Village and Mandal, Visakhapatnam as illegal and arbitrary.

Learned counsel for the petitioners submits that the petitioners are the owners of the house assessed by the Gram Panchayat, Pendurti village and Mandal with assessment No.1793-A. The learned counsel further submits that the first respondent is proposing to lay a

gravel/metal road from the house of the petitioners, which will occupy the vacant land belonging to them in S.No.140/8 situated on the southern side of the proposed road. The Mandal Revenue Officer – second respondent entrusted the work to the third respondent and in the process of laying the road the portion of the land purchased by the petitioners in S.No.140/8 is also interfered with and the authorities have not issued any notice before taking action.

I am not inclined to express any opinion as to whether the respondents are taking steps to lay the road from any portion of the property of the petitioners. But, however, no land or property of the private citizens can be taken away for laying the roads without following due procedure prescribed in law.

Having regard to the facts and circumstances of the case,
the writ petition is disposed of directing the respondents not to dispossess the petitioners and not to take away any portion of the property of the petitioners in the process of laying the gravel/metal road without following due procedure prescribed in law.

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V. ESWARAIAH, J

February 17, 2006

DSK